

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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1199SEIU UNITED HEALTHCARE WORKERS EAST,

Petitioner,

DECLARATION OF
LAUREVE D. BLACKSTONE

Case No.
20-cv-03611-JGK

v.

PSC COMMUNITY SERVICES, NEW PARTNERS, INC. D/B/A PARTNERS IN CARE, STELLA ORTON HOME CARE AGENCY, RICHMOND HOME NEEDS, SUNNYSIDE HOME CARE PROJECT, SUNNYSIDE CITYWIDE HOME CARE, FAMILY HOME CARE OF BROOKLYN AND QUEENS, CARE AT HOME, CHINESE-AMERICAN PLANNING COUNCIL HOME ATTENDANT PROGRAM, UNITED JEWISH COUNCIL OF THE EAST SIDE HOME ATTENDANT SERVICE CORP., THE FIRST CHINESE PRESBYTERIAN COMMUNITY AFFAIRS HOME ATTENDANT CORP., AZOR HOME CARE, BUSHWICK STUYVESANT HEIGHTS HOME ATTENDANT, INC., CABS HOMECARE, RIVERSPRING LICENSED HOMECARE SERVICES AGENCY, INC., ST. NICHOLAS HUMAN SUPPORTS CORP., WARTBURG, ALLIANCE FOR HEALTH, INC., REGION CARE, INC., SPECIAL TOUCH HOME CARE SERVICES, INC., RAIN, INC., PRESTIGE HOME CARE, INC., PRESTIGE HOME ATTENDANT, INC. D/B/A ALL SEASON HOME ATTENDANT, PERSONAL TOUCH HOME CARE OF N.Y., INC., PRIORITY HOME SERVICES, PREMIER HOME HEALTH CARE, INC., BRONX JEWISH COMMUNITY COUNCIL HOME ATTENDANT SERVICES, CIDNY INDEPENDENT LIVING SERVICES, HOME CARE SERVICES FOR INDEPENDENT LIVING, NEW YORK FOUNDATION FOR SENIOR CITIZENS HOME ATTENDANT SERVICES, COOPERATIVE HOME CARE ASSOCIATES, RISEBORO HOME CARE, INC., FECS HOME ATTENDANT SERVICES, HOME HEALTH MANAGEMENT SERVICES, INC., SCHOOL SETTLEMENT HOME ATTENDANT CORP., ROCKAWAY HOME ATTENDANT, BRONXWOOD HOME FOR THE AGED, INC., ACCENTCARE OF NY, INC., ISABELLA VISITING CARE, INC., SOCIAL CONCERN COMMUNITY DEVELOPMENT CORP.,

ABC HEALTH SERVICES REGISTRY, ALLIANCE
HOME SERVICES, *collectively identified by the*
Arbitrator as the "HOME HEALTH CARE AGENCIES",

Respondents.

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STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

I, LAUREVE D. BLACKSTONE declare, pursuant to 28 U.S.C. § 1746 and subject to penalties of perjury, that the following is true and correct:

1. I am a member of Levy Ratner, P.C., counsel to Petitioner 1199SEIU United Healthcare Workers East ("1199" or "Union") in the above-captioned proceeding before this Court.
2. I submit this declaration in further support of the Union's pending Petition to Confirm the April 17, 2020 Arbitration Award ("Award") [ECF 1], in opposition to the motion to intervene [ECF 103] and motion to dismiss or stay this proceeding [ECF 101], and in response to the Court's first question in its November 24, 2020 Order [ECF 137] directing supplemental briefing and, inter alia, requesting "a brief answer to the factual question of whether [each individual intervenor] was a member of the 1199SEIU at the time (A) the relevant Memorandum of Agreement ('MoA') took effect, (B) the MoA was executed, and/or (C) at the time 1199SEIU began the grievance process at issue here."
3. I have reviewed the information contained in the Union's records as set forth in the Declaration of Brijesh Shah dated December 7, 2020. I have also reviewed the relevant collective bargaining agreements ("CBAs"), including MoAs.
4. According to the Union's records:

- a. Seferina Acosta was a bargaining unit member at the time the relevant MOA took effect, December 1, 2015, and when it was executed, December 21, 2015.
- b. Eugenia Barahona Alvarado was not an 1199 bargaining unit member at the time the relevant MOA took effect, when it was executed or when the grievance was filed, but was a bargaining unit member after the grievance was filed and when the Award was issued.
- c. Carmen Carrasco was a bargaining unit member at the time the relevant MOA took effect, December 1, 2015, when it was executed, December 21, 2015, and when the grievance was filed, January 2, 2019.
- d. Mei Kum Chu was not an 1199 bargaining unit member at the time the relevant MOA took effect, when it was executed, or when the grievance was filed.
- e. Sau King Chung was not an 1199 bargaining unit member at the time the relevant MOA took effect, when it was executed, or when the grievance was filed.
- f. Dulce Herrera was a bargaining unit member at the time the relevant MOA took effect, December 1, 2015, when it was executed, December 21, 2015, and when the grievance was filed, January 2, 2019.
- g. Epifania Hichez was not an 1199 bargaining unit member at the time the relevant MOA took effect, when it was executed or when the grievance was filed.
- h. QunXiang Ling was not an 1199 bargaining unit member at the time the relevant MOA took effect, when it was executed or when the grievance was filed.

- i. Elida Agustin Mejia Herrera was not an 1199 bargaining unit member at the time the relevant MOA took effect, when it was executed or when the grievance was filed.
- j. Leticia Panama Rivas was not an 1199 bargaining unit member at the time the relevant MOA took effect, when it was executed or when the grievance was filed.
- k. Alvaro Ramirez-Guzman was an 1199 bargaining unit member at the time the relevant MOA took effect, December 1, 2015, when it was executed, April 6, 2016, and when the grievance was filed, January 2, 2019.
- l. Gail Yan was not an 1199 bargaining unit member at the time the relevant MOA took effect, when it was executed or when the grievance was filed.


LAUREVE BLACKSTONE

Date: December 7, 2020